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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2012-90*

12 **RUTH A. LINCOLN, a.k.a. RUTH ADELE**  
13 **EMMONS**  
13 **3231 Vineyard Avenue, #126**  
14 **Pleasanton, CA 94566**  
14 **Registered Nurse License No. 507943**

**ACCUSATION**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about January 31, 1995, the Board of Registered Nursing issued Registered  
23 Nurse License Number 507943 to Ruth A. Lincoln, also known as Ruth Adele Emmons  
24 (Respondent). The Registered Nurse License expired on July 31, 2008, and has not been  
25 renewed.  
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1 States, by any other government agency, or by another California health care professional  
2 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that  
3 action.”

#### 4 CONTROLLED SUBSTANCES/DANGEROUS DRUGS

5 9. Code section 4021 states:

6 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section  
7 11053) of Division 10 of the Health and Safety Code.”

8 10. Code section 4022 provides:

9 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self-use in  
10 humans or animals, and includes the following:

11 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without  
12 prescription,’ ‘Rx only’ or words of similar import.

13 “(b) Any device that bears the statement: ‘Caution: federal law restricts this device to sale  
14 by or on the order of a \_\_\_\_\_,’ ‘Rx only,’ or words of similar import . . .

15 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on  
16 prescription or furnished pursuant to Section 4006.”

17 11. “Phenobarbital” is a Schedule IV controlled substance as designated by Health and  
18 Safety code section 11057, subdivision (d) (26), and is a dangerous drug pursuant to Code section  
19 4022 in that it can be lawfully dispensed only by prescription. It is a long-acting barbiturate  
20 indicated for use as a nervous system depressant and anti-convulsant.

21 12. “Roxinol” is the brand name for Morphine Sulfate suppository. Morphine Sulfate is a  
22 Schedule II controlled substance pursuant to Health and Safety Code section 11055, (b)(1)(L),  
23 and a dangerous drug pursuant to Code section 4022 in that it can be lawfully dispensed only by  
24 prescription. It is a central nervous system depressant.

#### 25 COST RECOVERY

26 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
27 administrative law judge to direct a licentiate found to have committed a violation or violations of  
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1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

3 CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct – Out of State Discipline)

(Bus. & Prof. Code § 2761, subd. (a)(4))

5 14. Respondent has subjected her registered nurse license to disciplinary action under  
6 Code 2761, subdivision (a)(4), in that on or about June 17, 2009, the Oregon Board of Registered  
7 Nursing (Oregon Board) issued a Final Order approving and adopting the Stipulation for  
8 Voluntary Surrender of Registered Nurse License (Stipulation), signed by Respondent on May  
9 29, 2009. The Final Order also accepted the Voluntary Surrender of Respondent's Oregon  
10 registered nurse license. The Stipulation required Respondent to wait three years before applying  
11 for reinstatement, and at the time of her application Respondent would have to provide evidence  
12 of her fitness to practice nursing as well as a current neuropsychological and physical evaluation  
13 by a Board-approved evaluator. If Respondent's license were reinstated at that time, she would  
14 be subject to any terms and conditions that the Oregon Board may impose.

15 15. The underlying conduct supporting the Oregon Board's disciplinary action is that on  
16 or about April 7, 2009, Respondent was reported to the Oregon Board for the following:  
17 (1) administering medication without a physician's order; (2) theft of a narcotic medication from  
18 a deceased patient; and (3) diagnosing a hospice patient's condition. The report also expressed  
19 concern that Respondent was not remorseful for her actions. On or about May 12, 2009,  
20 Respondent had a personal interview with staff from the Oregon Board. During the interview,  
21 Respondent admitted that while working as a hospice nurse, she administered another patient's  
22 Phenobarbital suppository to Patient G despite the doctor having specifically denied Respondent's  
23 request for that medication for Patient G. Respondent stated that while she knew that she had  
24 specific orders not to give the Phenobarbital suppositories to Patient G, and she knew that the  
25 medication she administered to him did not belong to him, she decided to give Patient G the  
26 medication "for the greater good." During the interview Respondent also admitted that she took a  
27 deceased patient's unopened, sealed bottle of Roxinol home with her. Respondent stated that she  
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1 would administer the Roxinol to other patients that she believed really needed the medication.  
2 According to Respondent, her actions were not theft, but rather something she was doing to help  
3 hospice patients. Finally, Respondent was unable to verbalize to the Oregon Board staff the  
4 appropriate standards of nursing care related to the above incidents.

5 PRAYER

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
7 and that following the hearing, the Board of Registered Nursing issue a decision:

- 8 1. Revoking or suspending Registered Nurse License Number 507943, issued to Ruth A.  
9 Lincoln, also known as Ruth Adele Emmons;
- 10 2. Ordering Ruth A. Lincoln, also known as Ruth Adele Emmons to pay the Board of  
11 Registered Nursing the reasonable costs of the investigation and enforcement of this case,  
12 pursuant to Business and Professions Code section 125.3; and
- 13 3. Taking such other and further action as deemed necessary and proper.
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16 DATED: August 10, 2011

17 Louise R. Bailey  
18 LOUISE R. BAILEY, M.ED., RN  
19 Executive Officer  
20 Board of Registered Nursing  
21 Department of Consumer Affairs  
22 State of California  
23 Complainant  
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